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**SEP 20 2007**

**OFFICE OF PETITIONS**

In re Application of  
Biran GIORA  
Application No. 09/773,227  
Filed: January 31, 2001  
Attorney Docket No. **CH9-2000-0065**

**DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed May 30, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 25, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 26, 2003. A Notice of Abandonment was mailed to applicant on March 25, 2004.

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The office may require further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed, and how such delay was "unintentional."

Further information as to when the applicant (or the applicant's representative) first became aware of the abandonment of the application; and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative).

The record indicates that Ronald L. Drumheller was responsible for prosecution of the application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Ronald L. Drumheller explaining why action was not timely taken to prevent the application from becoming abandoned.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Ronald L. Drumheller, by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office (USPTO) is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the USPTO is requesting that Ronald L. Drumheller provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. Petitioner is advised that, in the event that Ronald L. Drumheller does not provide such a statement, petitioner should submit a copy of such letter and a copy of the return receipt.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

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Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.



Amelia Au  
Petitions Examiner  
Office of Petitions